

compact agency operating in the national capital area may not, with respect to a collective bargaining agreement governing conditions of employment, provide for salaries and other benefits that exceed the interstate compact agency's funding ability.

(c) Requirements for final award

In resolving a dispute submitted to arbitration involving the employees of an interstate compact agency operating in the national capital area, the arbitrator shall issue a written award that demonstrates that all the factors set forth in subsections (a) and (b) of this section have been considered and applied. An award may grant an increase in pay rates or benefits (including insurance and pension benefits), or reduce hours of work, only if the arbitrator concludes that any costs to the agency do not adversely affect the public welfare. The arbitrator's conclusion regarding the public welfare must be supported by substantial evidence.

(Pub. L. 104-50, title IV, § 404, Nov. 15, 1995, 109 Stat. 464.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1304 of this title.

§ 1304. Procedures for enforcement of awards

(a) Modifications and finality of award

In the case of an arbitration award to which section 1303 of this title applies, the interstate compact agency and the employees in the bargaining unit, through their representative, may agree in writing upon any modifications to the award within 10 days after the award is received by the parties. After the end of that 10-day period, the award, with any such modifications, shall become binding upon the interstate compact agency, the employees in the bargaining unit, and the employees' representative.

(b) Implementation

Each party to an award that becomes binding under subsection (a) of this section shall take all actions necessary to implement the award.

(c) Judicial review

Within 60 days after an award becomes binding under subsection (a) of this section, the interstate compact agency or the exclusive representative of the employees concerned may file a civil action in a court which has jurisdiction over the interstate compact agency for review of the award. The court shall review the award on the record, and shall vacate the award or any part of the award, after notice and a hearing, if—

- (1) the award is in violation of applicable law;
- (2) the arbitrator exceeded the arbitrator's powers;
- (3) the decision by the arbitrator is arbitrary or capricious;
- (4) the arbitrator conducted the hearing contrary to the provisions of this chapter or other statutes or rules that apply to the arbitration so as to substantially prejudice the rights of a party;
- (5) there was partiality or misconduct by the arbitrator prejudicing the rights of a party;

(6) the award was procured by corruption, fraud, or bias on the part of the arbitrator; or

(7) the arbitrator did not comply with the provisions of section 1303 of this title.

(Pub. L. 104-50, title IV, § 405, Nov. 15, 1995, 109 Stat. 465.)

CHAPTER 25—INFORMATION TECHNOLOGY MANAGEMENT

Sec.

1401. Definitions.

SUBCHAPTER I—RESPONSIBILITY FOR ACQUISITIONS OF INFORMATION TECHNOLOGY

PART A—DIRECTOR OF OFFICE OF MANAGEMENT AND BUDGET

1411. Responsibility of Director.

1412. Capital planning and investment control.

- (a) Federal information technology.
- (b) Use of information technology in Federal programs.
- (c) Use of budget process.
- (d) Information technology standards.
- (e) Designation of executive agents for acquisitions.
- (f) Use of best practices in acquisitions.
- (g) Assessment of other models for managing information technology.
- (h) Comparison of agency uses of information technology.
- (i) Training.
- (j) Informing Congress.
- (k) Procurement policy and acquisitions of information technology.

1413. Performance-based and results-based management.

- (a) In general.
- (b) Evaluation of agency programs and investments.

PART B—EXECUTIVE AGENCIES

1421. Responsibilities.

1422. Capital planning and investment control.

- (a) Design of process.
- (b) Content of process.

1423. Performance and results-based management.

1424. Acquisitions of information technology.

- (a) In general.
 - (b) FTS 2000 program.
1425. Agency Chief Information Officer.
- (a) Omitted.
 - (b) General responsibilities.
 - (c) Duties and qualifications.
 - (d) "Information technology architecture" defined.

1426. Accountability.

1427. Significant deviations.

1428. Interagency support.

PART C—OTHER RESPONSIBILITIES

1441. Responsibilities regarding efficiency, security, and privacy of Federal computer systems.

- (a) Standards and guidelines.
- (b) Application of more stringent standards.
- (c) Waiver of standards.
- (d) Definitions.

1442. Sense of Congress.

PART D—NATIONAL SECURITY SYSTEMS

1451. Applicability to national security systems.

- (a) In general.
- (b) Exceptions.

1452. "National security system" defined.

- (a) Definition.

Sec.

(b) Limitation.

SUBCHAPTER II—PROCESS FOR ACQUISITIONS OF INFORMATION TECHNOLOGY

1461. Procurement procedures.

SUBCHAPTER III—INFORMATION TECHNOLOGY ACQUISITION PILOT PROGRAMS

PART A—CONDUCT OF PILOT PROGRAMS

1471. Authority to conduct pilot programs.

(a) In general.

(b) Limitations.

(c) Period of programs.

1472. Evaluation criteria and plans.

(a) Measurable test criteria.

(b) Test plan.

1473. Report.

(a) Requirement.

(b) Content.

1474. Recommended legislation.

1475. Rule of construction.

PART B—SPECIFIC PILOT PROGRAMS

1491. Share-in-savings pilot program.

(a) Requirement.

(b) Limitations.

(c) Selection of projects.

1492. Solutions-based contracting pilot program.

(a) In general.

(b) Solutions-based contracting described.

(c) Process requirements.

(d) Pilot program design.

(e) Monitoring by GAO.

SUBCHAPTER IV—ADDITIONAL INFORMATION RESOURCES MANAGEMENT MATTERS

1501. On-line multiple award schedule contracting.

(a) Automation of multiple award schedule contracting.

(b) Functions.

(c) Streamlined procedures.

1502. Identification of excess and surplus computer equipment.

1503. Access of certain information in information systems to directory established under section 4101 of title 44.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 10 section 2315; title 28 section 612; title 38 section 310; title 44 section 3504.

§ 1401. Definitions

In this chapter:

(1) Director

The term “Director” means the Director of the Office of Management and Budget.

(2) Executive agency

The term “executive agency” has the meaning given that term in section 403(1) of title 41.

(3) Information technology

(A) The term “information technology”, with respect to an executive agency means any equipment or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by the executive agency. For purposes of the preceding sentence, equipment is used by an executive agency if the equipment is used by the executive

agency directly or is used by a contractor under a contract with the executive agency which (i) requires the use of such equipment, or (ii) requires the use, to a significant extent, of such equipment in the performance of a service or the furnishing of a product.

(B) The term “information technology” includes computers, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.

(C) Notwithstanding subparagraphs (A) and (B), the term “information technology” does not include any equipment that is acquired by a Federal contractor incidental to a Federal contract.

(4) Information resources

The term “information resources” has the meaning given such term in section 3502(6) of title 44.

(5) Information resources management

The term “information resources management” has the meaning given such term in section 3502(7) of title 44.

(6) Information system

The term “information system” has the meaning given such term in section 3502(8) of title 44.

(7) Commercial item

The term “commercial item” has the meaning given that term in section 403(12) of title 41.

(Pub. L. 104-106, div. E, §5002, Feb. 10, 1996, 110 Stat. 679.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this division” meaning division E (§§5001-5703) of Pub. L. 104-106, Feb. 10, 1996, 110 Stat. 679, which is classified principally to this chapter. For complete classification of division E to the Code, see Short Title note set out below and Tables.

EFFECTIVE DATE

Section 5701 of title LVII of div. E of Pub. L. 104-106 provided that: “This division [div. E (§§5001-5703) of Pub. L. 104-106, see Short Title note below] and the amendments made by this division shall take effect 180 days after the date of the enactment of this Act [Feb. 10, 1996].”

SHORT TITLE

Section 5001 of div. E of Pub. L. 104-106, as amended by Pub. L. 104-208, div. A, title I, §101(f) [title VIII, §808(b)], Sept. 30, 1996, 110 Stat. 3009-314, 3009-394, provided that: “This division [div. E (§§5001-5703) of Pub. L. 104-106, see Tables for classification] and division D [§§4001-4402 of Pub. L. 104-106, see Tables for classification] may be cited as the ‘Clinger-Cohen Act of 1996’.”

SAVINGS PROVISION

Section 5702 of title LVII of div. E of Pub. L. 104-106 provided that:

“(a) REGULATIONS, INSTRUMENTS, RIGHTS, AND PRIVILEGES.—All rules, regulations, contracts, orders, determinations, permits, certificates, licenses, grants, and privileges—

“(1) which have been issued, made, granted, or allowed to become effective by the Administrator of General Services or the General Services Board of Contract Appeals, or by a court of competent juris-